

# SENATE BILL 274

E1, E4

0lr1592  
CF HB 358

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By: **Senator McFadden (By Request – Baltimore City Administration)**

Introduced and read first time: January 22, 2010

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – ~~Violation of Restriction~~ Restrictions Against Possession of**  
3 **Firearms – Penalties**

4 FOR the purpose of ~~expanding a certain prohibition against the possession of~~  
5 ~~regulated firearms by a person convicted of a certain crime of violence or~~  
6 ~~drug-related crime to apply to all firearms~~; increasing the maximum term of  
7 imprisonment that may be imposed for a violation of ~~this Act~~ the prohibition  
8 against a certain person possessing a certain regulated firearm; creating a  
9 certain exception regarding eligibility of a certain person for parole; prohibiting  
10 a person from possessing a rifle or shotgun if the person was previously  
11 convicted of a certain crime of violence or drug-related crime; establishing  
12 certain penalties; prohibiting a certain court from suspending any part of a  
13 certain sentence; providing that a certain person is not eligible for parole during  
14 a certain sentence, with a certain exception; providing that each violation of a  
15 certain provision of law is a separate crime; and generally relating to  
16 restrictions against possession of firearms.

17 BY repealing and reenacting, with amendments,  
18 Article – Public Safety  
19 Section 5–133(c)  
20 Annotated Code of Maryland  
21 (2003 Volume and 2009 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – Public Safety

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 5–143  
 2 Annotated Code of Maryland  
 3 (2003 Volume and 2009 Supplement)

4 BY adding to  
 5 Article – Public Safety  
 6 Section 5–206  
 7 Annotated Code of Maryland  
 8 (2003 Volume and 2009 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article – Public Safety**

12 5–133.

13 (c) (1) A person may not possess a ~~regulated~~ firearm if the person was  
 14 previously convicted of:

15 (i) a crime of violence; or

16 (ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, §  
 17 5–607, § 5–608, § 5–609, § 5–612, § 5–613, or § 5–614 of the Criminal Law Article.

18 (2) A person who violates this subsection is guilty of a felony and on  
 19 conviction is subject to imprisonment for not less than 5 years [, no part of which may  
 20 be suspended.

21 (3) A person sentenced under paragraph (1) of this subsection may not  
 22 be eligible for parole] **AND NOT EXCEEDING 15 YEARS.**

23 **(3) THE COURT MAY NOT SUSPEND ANY PART OF THE**  
 24 **MANDATORY MINIMUM SENTENCE OF 5 YEARS.**

25 **(4) EXCEPT AS OTHERWISE PROVIDED IN § 4–305 OF THE**  
 26 **CORRECTIONAL SERVICES ARTICLE, ~~THE PERSON~~ A PERSON SENTENCED**  
 27 **UNDER THIS SECTION IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY**  
 28 **MINIMUM SENTENCE.**

29 **[(4)] (5)** Each violation of this subsection is a separate crime.

30 5–143.

31 (a) Except as otherwise provided in this subtitle, a dealer or other person  
 32 may not knowingly participate in the illegal sale, rental, transfer, purchase,  
 33 possession, or receipt of a regulated firearm in violation of this subtitle.

1 (b) A person who violates this section is guilty of a misdemeanor and on  
2 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding  
3 \$10,000 or both.

4 (c) Each violation of this section is a separate crime.

5 **5-206.**

6 **(A) A PERSON MAY NOT POSSESS A RIFLE OR SHOTGUN IF THE PERSON**  
7 **WAS PREVIOUSLY CONVICTED OF:**

8 **(1) A CRIME OF VIOLENCE; OR**

9 **(2) A VIOLATION OF § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, §**  
10 **5-607, § 5-608, § 5-609, § 5-612, § 5-613, OR § 5-614 OF THE CRIMINAL LAW**  
11 **ARTICLE.**

12 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY**  
13 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5**  
14 **YEARS AND NOT EXCEEDING 15 YEARS.**

15 **(C) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY**  
16 **MINIMUM SENTENCE OF 5 YEARS.**

17 **(D) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE**  
18 **CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS**  
19 **SECTION IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM**  
20 **SENTENCE.**

21 **(E) EACH VIOLATION OF THIS SECTION IS A SEPARATE CRIME.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2010.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.